

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 11
)
Varitalk, Inc.) Case No. 09-16148
(TIN: 26-0660267))
Debtor.) Hon. Goldgar, Bankruptcy Judge, Presiding.
)
Varitalk, Inc.,) Adv. Pro. No.00383
)
Plaintiff,) Hearing Date: May 11, 2009
vs.) Hearing Time: 10:30 a.m.
Mark Baker, a California resident,)
Eclipse, LLC., a California LLC., and)
Paulo Lanzarotti,)
Defendants.)

**ORDER GRANTING PRELIMINARY INJUNCTION
WITH RESPECT TO LITIGATION AGAINST
FREDERICK LOWE, DEREK GOLDBERG AND STEVEN DRIMMER**

This matter having been presented to the Court upon the Motion of Varitalk, Inc., for the entry of a Preliminary Injunction that (a) enjoins the continuation of the litigation in the United States District Court for the Central District of California, 2:07-CV-6622, *Baker v. Varitalk, et al.* (the “California Suit”) as to the debtor Varitalk and the individual Defendants in that suit, Stephen Drimmer, Frederick Lowe, and Derek Goldberg (the “Individual Defendants”) and (b) enjoins the continuation of the litigation currently pending in the United States District Court for the Eastern District of New York, *Lanzarotti v. Varitalk et al.*, (the “New York Suit”) from continuing as to the debtor, Varitalk, and the named individual Defendants, Frederick Lowe and Derek Goldberg; and

The Court having entered a temporary restraining order with respect to the continued prosecution of the California Suit and the New York Suit; and

The Court having scheduled and conducted an evidentiary hearing on May 11, 2009, with respect to the entry of a Preliminary Injunction staying the continued prosecution of the California Litigation and the New York Litigation with respect to the Individual Defendants; and

After considering the papers filed in support of and in opposition to the Motion, any evidence related to the granting of the Motion and the argument of counsel during the course of the hearing of the Motion, the Court having stated its findings of fact and conclusions of law in the record of the hearing, and good cause appearing therefore, it is hereby ordered that:

1. The Defendants in the captioned suit, and each of them, are hereby enjoined from taking any action, directly or indirectly, in the California Suit or the New York Suit.

2. Notwithstanding the provisions of paragraph 1 of this preliminary injunction, the parties may file any status report that may be required in connection with the California Suit or the New York Suit and appear at any status conference that may be held therein, provided that any such status report shall only inform the respective court of the terms of this Preliminary Injunction.

3. This Preliminary Injunction shall expire, if not extended by this Court, on the effective date of a plan of reorganization.

United States Bankruptcy Judge